

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-11100-RWZ

GIANI VALENTINO

v.

ERIC K. SHINSEKI,  
Secretary of the Department of Veterans Affairs

ORDER  
August 2, 2010

ZOBEL, D.J.

Plaintiff had been employed for several years as a social worker at the Edith Nourse Rogers Memorial Medical Center in Bedford, Massachusetts, a facility of the Veterans Administration. By virtue of her employment she was entitled to and did live in an apartment "at the VA." In late 2008, she sought to retire on disability and, as a result, would have to leave the apartment. Although she was on administrative leave with full pay for several months while the application for disability retirement lingered in administrative limbo, the VA, in mid 2009, sought her departure from the apartment more and more urgently. Plaintiff responded with a petition for an injunction against her being forced out on July 7<sup>th</sup>, and a request to be allowed to stay until August 1, 2009. Defendant moved to dismiss the complaint/request for injunctive relief as moot because the parties had agreed to the August 1 date for plaintiff's departure (Docket # 7). The court allowed the motion to dismiss, "the parties having agreed to a disposition of the matter," and, on August 13, 2009, ordered the entry of a stipulation of dismissal.

Almost exactly ten months later, plaintiff filed a motion to reopen the case to correct unspecified “inaccuracies in the defendants (sic) motion to dismiss” (Docket # 11), which the court had adopted as the parties’ stipulation. She does not specify the inaccuracies. Defendant has proposed a revision of the motion to dismiss, which plaintiff rejected. It is unclear precisely how plaintiff wants to amend the record and, without specificity as to the relief requested, the court is not inclined to reopen the case. Accordingly, plaintiff shall state exactly the change she proposes in the motion to dismiss no later than August 11, 2010. In default thereof the motion to reopen is denied.

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August 2, 2010  
DATE

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/s/Rya W. Zobel  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE